

1 HONORABLE RONALD B. LEIGHTON  
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3 09-CV-05434-ORD  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA  
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11 DAVID ALLEN HAWKINS,  
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Petitioner,

13 v.  
14

ELDON VAIL,  
15

Respondent.

Case No. C09-5434RBL

ORDER

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17 The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Richard  
18 Creatura, United States Magistrate Judge, objections to the Report and Recommendation, if any, and the  
19 remaining record, does hereby find and Order:

- 20 (1) The Court adopts the Report and Recommendation;  
21 (2) The application to proceed *in forma pauperis* is **DENIED**; and  
22 (3) the Clerk is directed to send copies of this Order to petitioner and to counsel for  
23 respondent.  
24

DATED this 5<sup>th</sup> day of November, 2009.

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27   
28 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE